

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

DAVID FINNEY, an individual,

Plaintiff,

v.

NISSAN NORTH AMERICAN, INC., et al.,

Defendants.

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CV NO. 3:06-CV-622-WKW

NOTICE OF PENDING MOTION

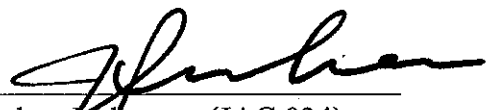
COMES NOW the Plaintiff David Finney, by and through the undersigned counsel of record, and files this *Notice of Pending Motion* and would show this Honorable Court the following:

1. Defendant, Takata Corporation was served with the Plaintiff's *Summons* and *Complaint* on or about February 14, 2007.

2. On or about February 22, 2007, all parties, Plaintiff and Defendant filed a *Motion by All Parties to Extend Scheduling Order Deadlines*. (see Exhibit "A" attached hereto for reference).

3. Said motion is currently pending and has not been ruled upon by this Honorable Court.

WHEREFORE, premises considered, Plaintiff respectfully advises the Court of this pending motion.



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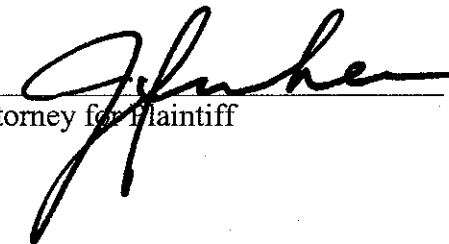
Walter B. Calton, Esq.
312 East Broad Street
Eufaula, AL 36027

CERTIFICATE OF SERVICE

I herby certify that a true and correct copy of the above was served upon the following by way of PACER e-service and/or via regular United States Mail, postage prepaid and properly addressed, on this 26 day of March, 2007..

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
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DAVID FINNEY, an individual,

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NISSAN NORTH AMERICA, INC., et
al.

Defendants.

Civil Action No. 3:06cv622WKW



**MOTION BY ALL PARTIES TO
EXTEND SCHEDULING ORDER DEADLINES**

The parties respectfully request that this Court extend the current Scheduling Order deadlines by six months. In support of this motion, the parties state as follows:

1. Defendant Takata Corporation was served with the Summons and Complaint on February 14, 2007. Service on Takata Corporation was delayed because, as a Japanese corporation, Takata Corporation was required to be served pursuant to the Hague Convention.

2. Takata Corporation's responsive pleading is not due until March 6, 2007, so no discovery has taken place with respect to this Defendant. In addition, due to the delay in accomplishing service on Takata Corporation, fact discovery has been slowed. The parties, excluding Takata Corporation, have exchanged written discovery, but no depositions have been taken.

3. The current Scheduling Order deadlines begin to run in April 2007. For example, the parties are required to have a face-to-face settlement meeting by April 16, 2007,

and the dispositive motion deadline and Plaintiff's expert deadline fall on April 24, 2007. Defendants' expert deadline is May 24, 2007.

4. Due in part to the delay in serving Takata Corporation, as well as the inherent complexity of this automotive product liability case, the current Scheduling Order deadlines do not allow the parties sufficient time to complete written discovery, depose fact witnesses, conduct expert discovery, and meaningfully evaluate settlement opportunities.

5. The parties agree that an extension of all deadlines by six months will permit the efficient and orderly completion of discovery and preparation of the case for trial.

6. The undersigned represents that counsel for Plaintiff and Nissan North America, Inc., have reviewed this motion, that they join in this motion, and that they have given the undersigned permission to file the motion electronically with the Court on behalf of all parties.

WHEREFORE, premises considered, the parties respectfully request that the Court extend all Scheduling Order deadlines by six months.

Respectfully submitted,

s/ Angela R. Rogers

Charles A. Stewart III (STE067/ASB-4955-a56c)

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2007, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: None.

s/ Angela R. Rogers

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